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Attorneys for Defendants

Attorneys for Defendants

DARWIN CRABTREE

VS.

Defendants.

Case No: 2:20-cv-00675-KJM-KJN

STIPULATED ORDER RE: DISCOVERY
OF ELECTRONICALLY STORED
INFORMATION FOR STANDARD
LITIGATION

1 **1. PURPOSE**

2 This Order will govern discovery of electronically stored information (“ESI”) in this
3 case as a supplement to the Federal Rules of Civil Procedure and any other applicable orders
4 and rules.

5 **2. COOPERATION**

6 The parties are aware of the importance the Court places on cooperation and commit to
7 cooperate in good faith throughout the matter.

8 **3. LIAISON**

9 The parties have identified liaisons to each other who are and will be knowledgeable
10 about and responsible for discussing their respective ESI. Each e-discovery liaison will be, or
11 have access to those who are, knowledgeable about the technical aspects of e-discovery,
12 including the location, nature, accessibility, format, collection, search methodologies, and
13 production of ESI in this matter. The parties will rely on the liaisons, as needed, to confer
14 about ESI and to help resolve disputes without court intervention.

15 **4. PRESERVATION**

16 The parties have discussed their preservation obligations and needs and agree that
17 preservation of potentially relevant ESI will be reasonable and proportionate. To reduce the
18 costs and burdens of preservation and to ensure proper ESI is preserved, the parties agree that:

- 19 a) The parties will agree on the number of custodians per party for whom ESI will be
20 preserved;
21 b) These data sources are not reasonably accessible because of undue burden or cost
22 pursuant to Fed. R. Civ. P. 26(b)(2)(B) and ESI from these sources will be
23 preserved but not searched, reviewed, or produced: systems no longer in use that
24 cannot be accessed;
25 c) Among the sources of data the parties agree are not reasonably accessible, the
26 parties agree not to preserve the following: systems no longer in use that cannot be
27 accessed and digital voicemail.

28 **5. PRODUCTION FORMATS**

 The parties agree to produce documents in ☒ PDF, ☒ TIFF, ☒ native and/or ☐ paper or
a combination thereof (check all that apply)] file formats. If particular documents warrant a

1 different format, the parties will cooperate to arrange for the mutually acceptable production of
2 such documents. The parties agree not to degrade the searchability of documents as part of the
3 document production process, and to produce documents in their native format where possible.

4 **6. PHASING**

5 When a party propounds discovery requests pursuant to Fed. R. Civ. P. 34, the parties
6 agree to phase the production of ESI and the initial production will be from the following
7 sources and custodians: Darwin Crabtree (Plaintiff), the County of Butte's central electronic
8 records database for the Butte County District Attorney's Office and Butte County Department
9 of Behavioral Health, Edward Szendrey, Katharyn Schwartz, and Kristin Simpson McNelis
10 (Defendants). The parties will cooperate in identifying the dates for which electronic records
11 databases exist and any purging of records which has occurred pursuant to applicable law
12 and/or County practice or policy. Following the initial production, the parties will continue to
13 prioritize the order of subsequent productions.

14 **7. DOCUMENTS PROTECTED FROM DISCOVERY**

- 15 a) Pursuant to Fed. R. Evid. 502(d), the production of a privileged or work-product-
16 protected document, whether inadvertent or otherwise, is not a waiver of privilege
17 or protection from discovery in this case or in any other federal or state proceeding.
18 For example, the mere production of privileged or work-product-protected
19 documents in this case as part of a mass production is not itself a waiver in this case
20 or in any other federal or state proceeding.
- 21 b) Communications involving trial counsel that post-date the filing of the complaint
22 need not be placed on a privilege log.

23 **8. MODIFICATION**

24 This Stipulated Order may be modified by a Stipulated Order of the parties or by the
25 Court for good cause shown.
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27
28

IT IS SO STIPULATED, through Counsel of Record.

Dated: August 24, 2020

By: /s/ Brandt Silver-Korn

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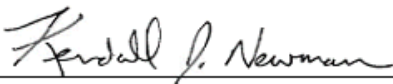
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ORDER

IT IS SO ORDERED, with the clarification that, pursuant to Local Rule 141.1(f), the court will not retain jurisdiction over enforcement of the terms of this stipulated order after the action is terminated.

Dated: August 25, 2020


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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